

HOUSE BILL NO. 197

INTRODUCED BY JAYNE

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE MONTANA ELDER AND PERSONS WITH DEVELOPMENTAL DISABILITIES ABUSE PREVENTION ACT; MAKING IT A FELONY TO PURPOSELY OR KNOWINGLY ABUSE, SEXUALLY ABUSE, OR NEGLECT AN OLDER PERSON OR A PERSON WITH A DEVELOPMENTAL DISABILITY; MAKING IT A MISDEMEANOR FOR A FIRST OFFENSE OF NEGLIGENTLY ABUSING OR NEGLECTING AN OLDER PERSON OR A PERSON WITH A DEVELOPMENTAL DISABILITY; AND AMENDING SECTION 52-3-825, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 52-3-825, MCA, is amended to read:

"52-3-825. Penalties. (1) ~~Any~~ A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) ~~(a) An individual~~ A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed \$10,000, or both.

~~(b) (i) A person who negligently abuses or neglects an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction may shall~~ be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

~~(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the individual may~~ person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and may be fined an amount not to exceed \$10,000, or both.

(C) A PERSON WITH A DEVELOPMENTAL DISABILITY MAY NOT BE CHARGED UNDER SUBSECTION (2)(A) OR (2)(B).

(3) (a) A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of \$1,000 or less in value shall be fined an amount not more than \$1,000 or be imprisoned in the county jail for a term not to exceed 1

1 year, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a
2 developmental disability in a case involving money, assets, or property in an amount of more than \$1,000 in
3 value shall be fined an amount not more than \$50,000 or be imprisoned in a state prison for a term not to exceed
4 10 years, or both.

5 (b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in
6 a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value
7 involved."

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